

JOHN BLOOD,)	AGBCA No. 2002-114-R
)	
Appellant)	
)	
Representing the Appellant:)	
)	
John Blood)	
611 Homestead)	
Flagstaff, Arizona 86001)	
)	
Representing the Government:)	
)	
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RULING ON APPELLANT-S MOTION FOR RECONSIDERATION

March 20, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

Appellant, John Blood of Flagstaff, Arizona, has filed a Rule 29 motion for reconsideration of the Board-s December 21, 2001 decision, John Blood, AGBCA No. 2000-127-1. Appellant requests that the Board reconsider its decision denying his claims 1.3A and 1.3B pertaining to inspection and payment issues. Respondent, the U. S. Department of Agriculture, Forest Service (Respondent or FS) opposes the motion arguing that it was untimely filed and that Appellant merely presents a reargument of the positions previously asserted.

Timeliness

Rule 29 of the Board-s rules allows a party 30 days in which to file a motion for reconsideration of a Board decision. The 30-day period is to be counted from the date of receipt of the decision by the moving party. The Board-s December 21, 2001 decision was mailed to both parties by certified mail, return receipt requested. The green receipt returned to the Board by the U. S. Postal Service provides evidence that Appellant received the Board-s decision January 8, 2002. Appellant-s motion

for reconsideration was received at the Board by facsimile February 5, 2002, the 28th day from Appellant's receipt of the decision. The motion is timely.

Merits

Reconsideration is discretionary with the Board and will not be granted in the absence of compelling reasons, *i.e.*, clear error of fact or law, or newly discovered evidence that could not have been discovered at the time of the original proceeding. Reconsideration is not intended to permit a party to reargue its position or to present additional arguments that could have been presented originally. Thomas B. Prescott, AGBCA No 2000-108-R, 00-1 BCA & 30,722; Timber Rock Reforestation, AGBCA No. 97-194-R, 98-1 BCA & 29,360; Rain & Hail Insurance Service, Inc., AGBCA No. 97-180-R, 97-2 BCA & 29,121; White Buffalo Construction, Inc., AGBCA No. 95-221-R, 96-1 BCA & 28,050. Here Appellant repeats arguments originally asserted. In its 14-page submission, Appellant makes no reference to a Board finding of fact or legal conclusion, opting instead to rehash or raise arguments regarding the record. Appellant points to no clear errors of fact or law compelling a grant of reconsideration.

RULING

The motion is denied.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

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